

AMENDED MINUTES
ROCKFORD POLICE PENSION BOARD
July 27, 2016

MEMBERS PRESENT: Jeff Nielsen, President and Chair
Marcia Mueller, Vice President
Paul Swanberg
Scott Laue

ABSENT: Joseph Stevens

ALSO PRESENT: Alexander J. Mezny – HolmstromKennedy

GUESTS: Officer Susan Bubik
Attorney Tim O'Neil
Lori Sweeney

STAFF: Court Reporter Doris Kennay
Linda Wlaznik

The July 27, 2016 special meeting of the Rockford Police Pension Board for the purpose of the disability hearing of Officer Susan Bubik and continued discussion of Robert W. Cole's pension convened at City Hall 425 E. State St., with chair Jeff Nielsen calling the meeting to order at 10:00 a.m.

PUBLIC COMMENT

NONE

HEARING

The Application of Officer Susan Bubik for Disability Pension – Not in the Line of Duty– was heard by the Board of the Rockford Police Pension Fund pursuant to posted notice and written notice to Officer Bubik's counsel.

Officer Susan Bubik was present with her attorney, Tim O'Neil. Also present were the Board's attorney, Alexander J. Mezny, court reporter Doris Kennay, who made a record of the hearing and Officer Bubik's wife Lori Sweeney who testified.

Attorney Mezny and Attorney O'Neil agreed to the admission of 942 pages of exhibits and their table of contents as more fully set forth in the Board's Order.

Attorney Mezny, Attorney O'Neil and Trustees Nielsen, Mueller, Swanberg and Laue examined Officer Bubik. Officer Bubik testified on her own behalf as to the history of her injury and condition, the course of treatment and present status of her condition.

Attorney O'Neil made closing arguments.

At 11:06 a.m., a MOTION was made by Trustee Mueller and seconded by Trustee Laue to go into closed session pursuant to sections 2(c)1 and 2(c)4 of the Open Meetings Act with respect to compensation of a member and discussion of evidence and testimony with regard to Officer Susan Bubik.

A motion to return to open session was made by Trustee Mueller and seconded by Trustee Laue and approved at 11:17 a.m. No action was taken in closed session.

At 11:21 a.m. Trustee Mueller made a motion seconded by Trustee Laue to find Officer Bubik physically disabled from service in the City of Rockford Police Department due to a nonduty related injury, pursuant to Section 3-114.2 of the Illinois Pension Code and:

- 1) that the Board shall retain jurisdiction of this cause to apply any set-off of benefits as may be provided for under the Police Pension Code and/or under any other applicable laws,
- 2) that the Board shall retain jurisdiction of this cause to correct any error in the calculation of the pension benefit amount, to correct any overpayment or underpayment, or to change the amount if such correction or change is required for any reason including by amendment of the Pension Code, by operation of other law as in effect from time to time, or as may be required otherwise to comply with the Pension Code in accordance with the written advice of reputable legal counsel or the directive of a court or governmental agency, and
- 3) that the Board shall retain jurisdiction of this cause for purposes of enforcing the Pension Code, including but not limited to the requirements set forth in 40 ILCS 5/3-115 regarding verification of the continuance of disability from service as a police officer with the Rockford Police Department.

The motion passed 4-0.

COLE PENSION

The Board discussed disposition of Robert W. Cole's pension. At 11:41 a.m. Trustee Mueller made a motion seconded by Trustee Laue to terminate Robert W. Cole's pension and QUILDROP based on his death. The motion passed 4-0.

At 11:43 a.m. Trustee Mueller made a motion seconded by Trustee Laue to accept Kay Yetterberg's application for a surviving spouse pension based on the death of Robert W. Cole. The motion passed 4-0.

The Trustees directed Linda Wlaznik to destroy the previously written but held checks to Kay Yetterberg and issue a new check to her in the total amount of \$23,317.05 based on the monthly amounts accrued since the death of Robert W. Cole (\$5,560.22 per month for April through July 2016 and a prorated amount for March 2016 of \$1,076.17).

Trustee Mueller made a motion to adjourn the meeting at 11:52 a.m. Trustee Laue seconded the motion. The Motion passed 4-0.

